

STATE OF INDIANA

)

IN THE LAPORTE CIRCUIT COURT

COUNTY OF LAPORTE

) SS:

JAN 15 2004

THOMAS MOSLEY, II,

)

Ashlee Marie Mosley
CLERK OF LAPORTE CIRCUIT COURT

THOMAS MOSLEY, III,

)

by next friend, THOMAS

)

MOSLEY, II, CALEB

)

MOSLEY, by next friend,

)

THOMAS MOSLEY, II.

)

CAUSE NO: 46C01-0401-CT-

Plaintiffs,

46C01 04 01 CT 021

v.

RELIABLE MACHINERY

)

INDUSTRIAL CO., LTD.

)

THE HOLMES GROUP, INC.,

)

NICHOLE MOSLEY

)

Defendants.

)

COMPLAINT FOR WRONGFUL DEATH

Plaintiffs, Thomas Mosley, II, Caleb Mosley, and Thomas Mosley, III, by their attorneys, file the following complaint against the defendants, Reliable Machinery Industrial Co., Ltd. and The Holmes Group, Inc., for the wrongful death of the minor child, Ashlee Marie Mosley, for personal injuries to plaintiffs, and for the total destruction of plaintiffs' residence and personal effects.

1. The Plaintiff, Thomas Mosley, II, was the father and natural guardian of Ashlee Marie Mosley, a "child" less than twenty years of age on her death, and brings this action pursuant to Indiana's Wrongful Death of a Child Act, Ind. Code § 34-23-2-1. Plaintiff, Thomas Mosley, II is also the father and natural guardian of Caleb Mosley and Thomas Mosley, III and is a resident of the State of Indiana.

2. The defendant, Reliable Machinery Industrial Co., is a Taiwanese corporation. The defendant is doing business in the State of Indiana and is engaged in the distribution of its products sold in the State of Indiana.

3. The defendant, The Holmes Group, Inc., is a corporation formed under the laws of Massachusetts with its principal place of business in Milford, Massachusetts. The defendant is doing business in the State of Indiana and is engaged in the manufacture and importation of products sold in the State of Indiana.

4. The defendant, Nicole Mosley, is a defendant by virtue of Ind. Code § 34-23-2-1(b)(1) to answer to any interest she may have.

5. On January 21, 2003, in La Porte County, State of Indiana, a fire occurred at plaintiffs' residence located at 1503 E. Lincolnway, Lot 7 in the City of LaPorte.

6. The fire was proximately caused by a defective and unreasonably dangerous lamp manufactured by defendants and sold to plaintiff, Thomas Mosley, II.

7. The lamp was defective and unreasonably dangerous as a result of defendants' defective design of the lamp.

8. - The lamp was defective and unreasonably dangerous as a result of defendants' failure to warn of the potential hazards defendants knew or should have known were associated with the lamp.

9. The lamp was defective and unreasonably dangerous at the time it left defendants' manufacturing plant and remained in a substantially unchanged condition until the fire occurred.

10. Defendants' defective product was the direct and proximate cause of the death of Ashlee Marie Mosley, the personal injuries sustained by plaintiffs, and the destruction and total loss of plaintiffs' residence and personal effects.

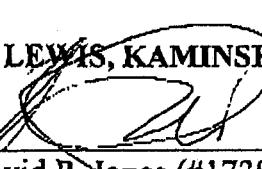
11. As a direct and proximate result of defendants' defective product, plaintiffs suffered permanent injuries.

12. As a direct and proximate result of defendants' defective product, plaintiffs incurred past and future medical expenses, lost wages, pain and suffering, the loss of personal effects, and a total loss of their residence.

13. As a direct and proximate result of defendants' defective product, plaintiff, Thomas Mosley, II incurred the loss of the services of minor child, Ashlee Marie Mosley, the loss of the child's love and companionship, funeral and burial expenses, and possible expenses for future psychiatric and psychological counseling.

WHEREFORE, plaintiffs request judgment to be entered against the defendants, Reliable Machinery Industrial Co., Ltd. and The Holmes Group, Inc., for all proper damages allowed under Indiana Law for the wrongful death of the minor daughter, personal injuries, property damage, an award of costs in this action, and for all other appropriate relief.

NEWBY, LEWIS, KAMINSKI & JONES, LLP

By: 

David P. Jones (#17393-64)
Attorneys for Plaintiffs
916 Lincolnway, P.O. Box 1816
LaPorte, IN 46350-1816
Telephone: (219) 362-1577

JURY DEMAND

Plaintiffs, by counsel, demand trial by jury.

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SUMMONS

STATE OF INDIANA) IN THE LAPORTE CIRCUIT COURT
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JAN 15 2004
THOMAS MOSLEY, II,)
THOMAS MOSLEY, III,)
by next friend, THOMAS) CAUSE NO: 46C01-0401-CT-
MOSLEY, II, CALEB)
MOSLEY, by next friend,)
THOMAS MOSLEY, II.) 46C01 0401 CT 021
Plaintiffs,)
v.)
RELIABLE MACHINERY)
INDUSTRIAL CO., LTD,)
THE HOLMES GROUP, INC.,)
NICHOLE MOSLEY)
Defendants.)

You are hereby notified that you have been sued by the persons named as plaintiffs and in the court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons or is on file in the clerk's office. It also states the relief sought or the demand made against you by the plaintiffs.

An answer or other appropriate response in writing to the complaint must be served, by you or your attorney, upon plaintiffs' attorney, whose address is shown below, within twenty (20) days, commencing the day after you receive this Summons (or within twenty-three (23) days if this Summons was received by mail), and filed with the court within a reasonable time thereafter, or a judgment by default may be rendered against you for the relief demanded by plaintiffs.

If you have a claim for relief against the plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer.

Dated this JAN 27 2004, 2004.

By LYNNE F. SPEVAK, Clerk
County of LaPorte
Deputy

Designated Manner of Service:

- Registered or certified mail (If by mail, stamped addressed envelope with return receipt attached to be furnished by the attorney.)
 Service on individual at above address
 Service at place of employment, to wit: _____
 Service on agent (specify) _____
 Other: _____

Attorney for Plaintiffs: David P. Jones, #17393-64
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La Porte, IN 46350-1816
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By LYNNE F. SPEVAK, Clerk
Comptroller of the Court
Deputy

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Attorney for Plaintiffs:

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